

TOWN OF LOXAHATACHEE GROVES

ORDINANCE 2011-013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN TO INCORPORATE THE MULTIPLE LAND USE (MLU) FUTURE LAND USE CATEGORY, INCLUDING AMENDING TABLE 1-8 OF THE FUTURE LAND USE ELEMENT AND TO CREATE POLICY 1.1.14 AND OBJECTIVE 1.15 TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and,

WHEREAS, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, adopted a Comprehensive Plan which has been found to be "in compliance" by, the State Department of Community Affairs (DCA); and,

WHEREAS, as a result of a pending administrative challenge to the Town's adopted Comprehensive Plan, the Town Council adopted Ordinance 2011-001 to amend the then-effective comprehensive plan, which was the Palm Beach County Comprehensive Plan, concerning the Multiple Land Use (MLU) future land use category; and,

WHEREAS, on July 28, 2011, the DCA issued its Final Order in the administrative challenge, ordering that the Town's adopted plan be "in compliance," and the Town's adopted plan became effective on August 19, 2011; and,

WHEREAS, the DCA has advised that due to the Town's adopted plan coming into effect and the conclusion of the administrative challenge, the Town should proceed to adopt an ordinance to rescind Ordinance 2011-001 (to be considered by the Town Council as Ordinance

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2011-012), as the amendment to the Palm Beach County Comprehensive Plan as it applied to the Town had not come into effect and needs not to do so, and a separate ordinance should be adopted to amend the Town's adopted Comprehensive Plan to include amendments approved as to the previously effective Town Comprehensive Plan; and,

WHEREAS, upon adoption of an ordinance rescinding Ordinance 2011-001, and the adoption of this Ordinance to amend the Town's adopted plan relating to the MLU future land use category, the DCA will review the amendment to the Town's adopted plan; and,

WHEREAS, the Town's Planning Consultant has reviewed the Town's adopted Comprehensive Plan, and believes that an amendment to the Town's adopted Comprehensive Plan to create the Multiple Land Use Category would provide a beneficial and useful planning tool to implement planning directives within large parcels in the Town and would reflect the character and development circumstances within the Town, including without limitation site plan flexibility; and,

WHEREAS, the Town's Planning Consultant recommends the adoption of this Comprehensive Plan Amendment, consistent with his recommendations; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves' adopted Comprehensive Plan; and,

WHEREAS, the reports, records and materials from the public hearings to adopt Ordinance 2011-001 are incorporated herein and relied upon by the Council to the extent not inconsistent with this Ordinance; and,

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WHEREAS, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment in the Town's adopted plan in accordance with Chapter 163, Florida Statutes, to add the Multiple Land Use Category, to reflect the Town's character and current circumstances, as recommended by the Town's Planning Consultant.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

SECTION 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

SECTION 2: The Town Council has reviewed the application and finds the Amendment, as approved herein, is consistent with the goals, objectives and policies of the Town's adopted Comprehensive Plan.

SECTION 3: The Town Council approves and adopts the recommendations of the Town's Planning Consultant, which are incorporated herein.

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SECTION 4: The amendment to the adopted Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 11-1.1B) approved by the Town Council creating the Multiple Land Use Category in the Town's adopted Comprehensive Plan, as set forth in Exhibit "A" to this Ordinance, is hereby adopted.

SECTION 5: The Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element of the adopted Comprehensive Plan in order to reflect the above-stated changes consistent with the recommendations of the Planning Consultant Report.

SECTION 6: All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF September, 2011.

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20th DAY OF September, 2011.


**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

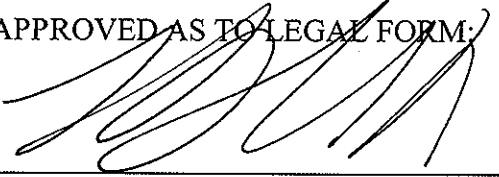

Ann Harper, Town Clerk

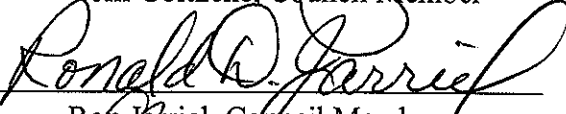

Mayor David Browning


Vice Mayor Ryan Liang


Tom Goltzené, Council Member

APPROVED AS TO LEGAL FORM:


Michael D. Cirullo, Jr., Town Attorney


Ron Jarriel, Council Member


Jim Rockett, Council Member

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